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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,809	04/18/2001	Thomas F. La Porta	47-1-17	8516
7590	08/10/2005		EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			BEAMER, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/837,809	LA PORTA ET AL.	
	Examiner	Art Unit	
	Temica M. Beamer	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3-7,9-13,15-24 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 15-24 and 28 is/are allowed.
- 6) Claim(s) 3-7,9-13,29 and 30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 3-13, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 29, 30, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe et al, (Onoe), U.S. Patent No. 5,361,396 in view of Hall et al (Hall), U.S. Patent No. 6,438,383.

Regarding claim 29, Onoe discloses receiving data addressed to a mobile host at a home agent (102/104) on the network (col. 4, lines 31-42 and col. 5, lines 30-43); initiating a page request from the home agent (col. 5, lines 37-43), directing the page request from the home agent to at least one of the base stations in a current paging area of the mobile host (col. 5, lines 37-43), receiving a page response from the mobile host at a base station in the current paging area (col. 4, lines 31-42 and col. 5, lines 37-43); and delivering the data addressed to the mobile host (col. 4, lines 31-42).

Onoe, however, fails to disclose wherein the base stations in the network are coupled to an IP network.

In a similar field of endeavor, Hall discloses a system and method relating to packet data communication in a cellular system. Hall further discloses wherein base stations are coupled to an IP network (i.e., the Internet) (col. 7, lines 16-22).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Onoe with the teachings of Hall for the purpose of providing further services such as packet services to mobile subscribers.

Regarding claim 30, Onoe discloses receiving data addressed to a mobile host at a home agent (102/104) on the network (col. 4, lines 31-42 and col. 5, lines 30-43); tunneling the data addressed to a mobile host from the home agent to a designated foreign agent on the network (i.e., in the event information needs to be transferred to other mobile control centers (col. 6, lines 41-47), receiving a page response from the mobile host at a base station in the current paging area (col. 4, lines 31-42 and col. 5, lines 37-43); and delivering the data addressed to the mobile host (col. 4, lines 31-42).

Onoe, however, fails to disclose wherein the base stations in the network are coupled to an IP network.

In a similar field of endeavor, Hall discloses a system and method relating to packet data communication in a cellular system. Hall further discloses wherein base stations are coupled to an IP network (i.e., the Internet) (col. 7, lines 16-22).

Regarding claim 3, the combination of Onoe and Hall discloses the method of claim 29 including directing information to the home agent concerning a current location of the mobile host form a base station that receives the page response form the mobile host (col. 5, lines 30-43).

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Regarding claim 7, the combination of Onoe and Hall discloses the method of claim 29 including directing the page request from the home agent to the base stations according to a selected one of a fixed paging algorithm, a hierachial paging algorithm or a last-location paging algorithm (col. 4, lines 31-43 and col. 5, lines 30-43).

4. Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe and Hall as applied to claims 29 and 30 above, and further in view of Lorello et al (Lorello), U.S. Patent No. 6,751,463.

Regarding claims 4-6, the combination of Onoe and Hall fails to disclose buffering data addressed to the mobile host at the home agent when the host is in a standby state, delivering the data buffered at the home agent to the mobile host when the host transitions to an active state and delivering data later received at the home agent and destined to the mobile host, to the mobile host while the host is in the active state. It should be pointed out, however, that Onoe does teach wherein a mobile host can be in an active or non-active state (col. 4, lines 48-49).

In a similar field endeavor, Lorello discloses an intelligent queue for information teleservice messages with superceding updates. Lorello further discloses the limitations of claims 4-6 as outlined above (col. 2, lines 2-22).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Onoe and Hall with the teachings of Lorello for the purpose of ensuring that messages are delivered to mobile devices when in an active or non-active state.

Regarding claim 9, the combination of Onoe and Hall discloses the method of claim 30 as described above and designating a last serving base station in the paging area for the mobile host as a last foreign agent (col. 5, lines 30-43). The combination, however, fails to disclose buffering data from the home agent at the last foreign agent.

Lorello, however, teaches the concept of buffering information for a mobile host when the host is not available.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Onoe and Hall with the teachings of Lorello for the purpose of ensuring that messages are delivered to mobile devices when in an active or non-active state.

5. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoe, Hall and Lorello as applied to claim 9 above, and further in view of Sawyer et al (Sawyer), U.S. Patent No. 5,307,400.

Regarding claim 10, the combination of Onoe, Hall and Lorello fails to disclose initiating the page request from the last foreign agent and directing the page request to at least one of the base stations in the paging area of the host.

In a similar field of endeavor, Sawyer discloses call routing in mobile telephone systems. Sawyer further discloses the limitations of claim 10 (col. 12, lines 42-66).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Onoe, Hall and Lorello with the teachings of Sawyer for the purpose of ensuring the most appropriate area is paged for the mobile

(i.e., the most recent area the mobile was last detected in), thereby saving system resources.

Regarding claim 11, the combination of Onoe, Hall, Lorello and Sawyer discloses the method of claim 10 and further discloses transmitting to the home agent a current location of the mobile host from a base station that receives the page response from the host and designating the base station that receives the page response as a current foreign agent (Sawyer, col. 12, lines 42-66).

Regarding claim 12, the combination of Onoe, Hall, Lorello and Sawyer discloses delivering the data buffered at the last foreign agent to the mobile host through the current foreign agent, wherein the mobile host transitions to an active state (Lorello, col. 2, lines 2-22).

Regarding claim 13, the combination of Onoe, Hall, Lorello and Sawyer discloses the method of claim 10 including directing the page request from the last foreign agent to the base stations according to a selected one of a fixed paging algorithm, a hierarchical paging algorithm or a last location paging algorithm (Onoe, col. 4, lines 31-43 and col. 5, lines 30-43).

Allowable Subject Matter

6. Claims 15-24 and 28 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (571) 272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Primary Examiner
Art Unit 2681

August 8, 2005



Temica M. Beamer
PRIMARY EXAMINER